IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.1330 OF 1999.

Suryakant C.Lonkar. .. Applicant.

versus

The Special Land Acquisition

Officer No.6, Pune and Ors. .. Respondents.

...

Mr. G.H.Keluskar for the applicant.

Mr. R.S. Khandapkar, AGP for the respondents.

CORAM : D.G. Karnik J.

Date: 19th August 2006

P.C:-

1. Heard learned counsel for the petitioner and learned AGP for the respondents.

2. By this revision petition the petitioner challenges the order dated 27th October, 1997 passed by the learned Land Acquisition Officer No. 6, rejecting petitioner’s request for making a reference under section 18 of the Land Acquisition Act.

3. The land of the petitioner was acquired and the award was published on 8th June, 1995. The notice under section 12 of the publication of the award was served on the petitioner on 6th January, 1995. On 3rd March, 1995 the petitioner made an application under section 18 of the Land Acquisition Act requesting the land acquisition officer to prefer the matter to the District Court regarding enhancement of the compensation. As the application was made after expiry of period of the 6 (six) weeks from service of the notice under section 12, by the impugned order dated 27th October, 1997, the respondent rejected the request and decliend to make the reference on the ground that the application was made beyond the time

presecribed.

4. Learned counsel for the petitioner submitted that the petitioner has sufficiently explained the delay in making the application for reference beyond the period of six weeks and the delay ought to have been condoned. In Officer on Special duty (Land Acquisition) and Another V/s. Shah Manilal Chandulal & Ors. reported in (1996) 9 Supreme Court cases 414, the Supreme Court held that section 5 of the Limitation Act, does to an application for making under reference under section 18 of the Land Acquisition Act and the delay cannot be condoned. The view was reiterated by the Supreme Court in its subsequent decision rendered in State of Karnataka V/s. Laxuman, reported in (2005) 8 Supreme Court Cases 709. Under the circumstances the land acquisition officer could not have condoned the delay Thus, there is no merits in the petition. The revision application is dismissed with no order as to costs.

(D.G. KARNIK, J.)